IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 13TH DECEMBER 2007 / 22ND AGRAHAYANA 1929

WP(C).No. 23769 of 2007(D)

PETITIONER:

K.E.GOPALAN, KALAYIL HOUSE,
PATTIMATTOM, PALAMPRA P.O., KANJIRAPPALLY.

BY ADV. SRI.V.C.JAMES
SRI.SERGI JOSEPH THOMAS

RESPONDENTS:
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1. CHIEF WELFARE FUND INSPECTOR,
KERALA ABKARI WORKERS WELFARE FUND BOARD,
THIRUVANANTHAPURAM.

2. KERALA STATE BEVERAGES CORPORATION,
THIRUVANANTHAPURAM, REPRESENTED BY ITS
MANAGING DIRECTOR.

3. STATE OF KERALA, REPRESENTED BY THE
SECRETARY TO GOVERNMENT LABOUR DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.

BY ADV. SRI.MILLU DANDAPANI --- R2
ADV. SRI.M.K.CHANDRA MOHANDAS,SC,K.ABKARI WW
GOVERNMENT PLEADER SRI. M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/12/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 23769/2007 D

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE MEDICAL CERTIFICATE ISSUED BY THE ASST. SURGEON OF THE TALUK HEAD QUARTERS HOSPITAL, KANJIRAPPALLY DT. 25/11/2003.

EXT.P2. COPY OF THE BIRTH CERTIFICATE ISSUED BY THE SECRETARY, KANJIRAPPALLY GRAMA PANCHAYATH DT. 6/1/2006.

EXT.P3. COPY OF THE COMMUNICATION DT. 4/4/06 ISSUED BY THE KERALA STATE BEVERAGES (MANUFACTURING & MARKETING) CORPORATION.

EXT.P4. COPY OF THE COMMUNICATION FROM THE R1 TO THE PETITIONER DT. 20/3/2007.

EXT.P5. COPY OF THE LETTER FROM THE HEADMISTRESS GOVT. HIGH SCHOOL KANJIRAPPALLY TO THE R1 DT. 16/4/07.

EXT.P6. COPY OF THE GO RT NO. 1997/95 G.EDN DT. 21/5/85.

EXT.P7. COPY OF THE PETITION FILED BY THE PETITIONER BEFORE THE R3 DT. 26/5/2007.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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ANTONY DOMINIC, J.

W.P.(C) 23769 of 2007

Dated: December 13, 2007

JUDGMENT

Petitioner is an employee of the Kerala State Beverages Corporation, the 2nd respondent. He had made an application for correction of his date of birth to the 1st respondent. That has been returned by the 1st respondent by Ext.P4 informing him that unless correction of date of birth is applied for and obtained in the school records, they cannot order correction in the service book. Petitioner submits that the school records have been lost irretrievably on account of a fire incident that occurred long back in the school and it is on that basis the petitioner is relying entirely on Ext.P2 and seeks correction on that basis.

2. In view of the impossibility of getting the school records corrected for reasons as explained by the petitioner, I feel that the 1st respondent ought to have considered the application made by the petitioner on merits and pass orders thereon. This having not been done by the 1st respondent, I quash Ext.P4 and direct that the

1st respondent shall consider the petitioner's application for correction of date of birth. In view of this, I direct that the petitioner shall make a fresh application to the 1st respondent, in which case, adverting to the documents that are produced by the petitioner, the 1st respondent shall reconsider the request for correction of date of birth and pass orders thereon. Depending upon the decision so taken, the benefits that are due to the petitioner shall be disbursed.

ANTONY DOMINIC, JUDGE

mt/-